

Expungement Process Information

The following matters can be expunged:

- **ARREST OR CONVICTION(S) IN WHICH ANY OF THE FOLLOWING RESULTS OR ACTIONS OCCURRED:**
 - o Not guilty verdict
 - o Case dismissed
 - o time limit for prosecution expired
 - o Article 894 imposed upon guilty plea or verdict
 - o case not prosecuted
 - o Defendant entered pre-trial program
- **ARREST AND CONVICTION(S) AFTER TIME LIMITATION HAS ELAPSED AND ARTICLE 894 NOT IMPOSED:**
 - o Criminal cases: 5 years from the closed date
 - o DWI cases: 10 years from the closed date
 - o Pre-trial/DWI cases: 5 years from date of arrest
- **WHEN A SUMMONS IS ISSUED, SEE INFORMATION THAT FOLLOWS IN THE LOWER PORTION OF THIS INSTRUCTION SHEET**

THE FOLLOWING ITEMS ARE REQUIRED TO BE ATTACHED WHEN A MOTION IS FILED:

1. \$100.00 fee in cash, check, or money order, payable to the City of Baton Rouge.
2. \$250.00 money order from the United States Post Office only, payable to the Bureau of Criminal Identification.
3. Current Criminal Background Check dated within 30 days of filing the Motion.
[Obtainable from Louisiana State Police Department, 7919 Independence Blvd., Baton Rouge, LA, (225) 925-6095, Requires 2 separate money orders in the amounts of \$10.00 and \$26.00].

ADDITIONAL ITEMS REQUIRED IN CASES INVOLVING CONVICTION(S) AFTER TIME LIMITATION HAS ELAPSED AND ARTICLE 894 NOT IMPOSED:

Certification letter from the East Baton Rouge Parish District Attorney which verifies that the applicant has no felony convictions during the five year period after conviction and no pending felony charges under a bill of information or indictment. [Obtainable from DA Office, 5th Floor, City Hall, 222 St. Louis St., Baton Rouge, LA 70802].

ADDITIONAL ITEMS REQUIRED WHEN REQUEST INVOLVES DWI CONVICTION IN WHICH ARTICLE 894 IMPOSED:

\$50.00 money order from the United States Post Office only, payable to the Office of Motor Vehicles, for the purpose of obtaining documentation from Dept. of Public Safety Office of Motor Vehicles, that it has received a certified copy of the record of the plea, fingerprints of the defendant, and proof of other statutory requirements.

WHEN A SUMMONS IS ISSUED, THE FOLLOWING PROCEDURE CAN BE FOLLOWED:

1. Complete only the form entitled, "Motion to Expunge Summons."
2. \$100.00 fee in cash, check, or money order, payable to the City of Baton Rouge.
3. **Note:** The Order of Expungement will only be forwarded to the Baton Rouge City Police Department for execution. In order to ensure that no information regarding the issuance of the summons was forwarded to the Bureau of Criminal Identification, it is recommended that a criminal background check be conducted as described in the preceding paragraphs. If summons information is discovered, then the formal Motion to Expunge described in the preceding paragraphs should be followed in order to receive the complete benefits of the expungement.

WHAT HAPPENS AFTER THE MOTION IS FILED?

After the Order of Expungement has been signed by the presiding Judge, you will receive a certified copy by mail. Please notify this office at (225)389-8388 regarding any changes in your address. Failure to do so may affect your notification of the expungement process.

You may inquire about your Expungement after 3 months from the signing of the Order with proper identification. Attorneys may request the status of their client's Expungement with proof that they are the Attorney of record.

FEE WAIVER INFORMATION

These fees are not required to be paid if certifications are obtained from the City Prosecutor Office and District Attorney Office and presented to the Record Division, Clerk of Court Office (Room B-54) which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

1. The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.
2. (a) Written consent of the City Prosecutor and the applicant's case was dismissed, or (b) the City Prosecutor declined to prosecute the case prior to the 2 year time limitation and applicant did not participate in a Pretrial Diversion Program.

If you believe that you are entitled to a waiver of fee(s), please take the completed Motion to Expunge Form to the City Prosecutor Office, Room 255, to determine whether you qualify. Then, if you successfully obtain a signed waiver form, you must take the Motion to Expunge form and signed waiver to the District Attorney Office, 5th Floor, City Hall Building. Both forms must be presented when filing the Motion if you are seeking a waiver.